

IN RE: PETITION FOR SPECIAL EXCEPTION	* BEFORE THE
S/S Joppa Road, 430 ft. W of	
Fairmount Avenue	* ZONING COMMISSIONER
305 E. Joppa Road	
9th Election District	* OF BALTIMORE COUNTY
4th Councilmanic District	
TABCO Towers Associates L.P.,	* Case No. 95-482-X
American PCS, L.P., Lessee	
Petitioner	*
	* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 305 E. Joppa Road in Towson. The Petition is filed by TABCO Towers Associates, L.P., property owner, and Margaret C. Ruggieri, Esquire on behalf of American PCS, L.P., (hereinafter known as "APC") Lessee. Special exception relief is requested, pursuant to Section 233.4 of the Baltimore County Zoning Regulations (BCZR) for approval of a wireless transmitting and receiving facility in a B.M.-C.T. zone. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

Appearing at the public hearing held for this case was Debbie Meaney on behalf of APC. Also present on behalf of that corporation were two consultants retained by that company, Andrew Werchniak, an expert in radio frequencies, and Robert Morelock of Daft, McCune, Walker, Inc., who prepared the site plan. There were no Protestants or other interested persons present.

This is another in a series of Petitions which have recently come before this Zoning Commissioner filed by APC. These Petitions have been filed similar to the instant case by APC. As discussed repeatedly in previous opinions of this office, APC is in the business of providing cellular communications. These communications include cellular telephones as well

ORDER RECEIVED FOR FILING

Date

By

WILSON-11 MAY 11

as cellular fax transmissions and other data. APC is establishing a cellular communication network within Baltimore County. This network is obtained by erecting a series of towers or placing antennas on top of existing structures. This construction enables communications to be handed off from one antenna to the next so that mobile communications can be serviced. Testimony offered in past cases was that the radio waves and frequencies generated by the network system are not detrimental to the health of the populace nor do they interfere with other electronic transmission including television, police radio and other frequencies.

The subject Petition is requested to fill a void in the Towson vicinity of APC's network. Six antennas will be erected atop the TABCO Towers building. As noted above, these antennas will serve mobile communication in the Towson vicinity, including that traffic on I-695 of the Baltimore Beltway.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Special Exception. It is clear that the Petitioner has satisfied the standards set forth in Section 502.1 of the BCZR, as well as the particular requirements governing wireless transmitting facilities contained in Section 426 of the BCZR. There is no evidence that the proposed use will, in any manner, adversely affect the health, safety and general welfare of the surrounding locale. I am persuaded that the Petitioner has met the burden which must be satisfied at law. Thus, the Petition for Special Exception shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

ORIGINAL RECEIVED FOR FILING

FILED


BY

7/27/95
M. J. [Signature]

ORIGINAL RECEIVED FOR FILING

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of July, 1995 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility in an B.M.-C.T. zone, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

7/27/95
M. Mark

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 27, 1995

Margaret Ruggieri, Esquire
American PCS, L.P.
One Democracy Center
6901 Rockledge Dr., Suite 600
Bethesda, Maryland 20817

RE: Case No. 95-482-X
Petition for Special Exception
American PCS, L.P., Lessee
TABCO Towers Associates, L.P., Legal Owner

Dear Ms. Ruggieri:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Ms. Debbie Meaney
cc: Christine McSherry, Esquire
cc: Robert Morelock, Daft, McCune and Walker





476
95-482-X

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 305 E. Joppa Road

which is presently zoned BM-CT

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility not permitted by Section 426, pursuant to § 233.4

(Height of facility will be greater than 200')

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Margaret Ruggieri, Legal Counsel

(Type or Print Name)

Signature

American PCS, L.P.

One Democracy Center, 6901 Rockledge Dr., Suite 600

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

Christine McSherry

(Type or Print Name)

Signature

Whiteford, Taylor & Preston

500 Court Towers, 210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

TABCO Towers Associates, L.P.
William F. Wilke, General Partner

(Type or Print Name)

Signature

(Type or Print Name)

Signature

TABCO Towers Associates

c/o Wilke Management Inc.

821-9220

Address

Phone No.

305 E. Joppa Road, Towson, MD 21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

Robert E. Morelock, Daft-McCune-Walker, Inc.

Name

200 E. Pennsylvania Ave., Towson MD 296-3333

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration
& Development Management

MICROFILMED

476

95-482-X

**Description
to Accompany Petition for Special Exception**

0.65 Acre Parcel

TABCO Towers Associates Property

305 East Joppa Road, Towson, Maryland

Ninth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the south side of Joppa Road at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Joppa Road with the centerline of Fairmount Avenue (1) Northwesterly along the centerline of Joppa Road 430 feet, more or less, and thence (2) Southwesterly 43 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 38045 feet, more or less, and East 5114 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running with the south side of Joppa Road (1) Northwesterly by a curve to the left having a radius of 944.94 feet, for a distance of 139.30 feet, (the arc of said curve being subtended by a chord bearing North 85 degrees 13 minutes 52 seconds West 139.17 feet), thence leaving said road and running the two following courses and distances, viz: (2) South 01 degrees 56 minutes 00 seconds East 263.75 feet, thence (3) South 81 degrees 29 minutes 02 seconds West 25.66 feet to a point on the north side of Payne Avenue, thence running with the north side of said avenue (4) South 75 degrees 53 minutes 58 seconds East 88.17 feet, and thence leaving said avenue running (5) North 14 degrees 06 minutes 02 seconds East 285.92 feet to the point of the beginning; containing 0.65 acres of land, more or less.

COPIES

95-482-X

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 21, 1995

Project No. 94161.40 (L94161.40)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-488-X

District: 9th Date of Posting: 7/7/95
Posted for: Special Exception
Petitioner: Tobco Towers Assn.
Location of property: 305 E. Joppa Rd., S/S
Location of Signs: Facing roadway on property being zoned
Remarks: _____
Posted by: M. Stealey Date of return: 7/14/95
Signature
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-482-X (Item 478)
305 E. Joppa Road
S/S Joppa Road, 430'
W of Fairmount Avenue
9th Election District
4th Councilmanic

Legal Owner(s):

TABCO Towers
Associates, L.P.
Lessee: American
PCS, L.P.

HEARING: TUESDAY,
JULY 25, 1995 at 2:00 p.m.
in Rm. 118, Old
Courthouse.

Special Exception: for a
wireless transmitting and re-
ceiving facility (height greater
than 200 feet).

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-3353.

(2) For informa-
tion concerning the File and/or
Hearing, Please Call 887-3391.

7/035 July 6.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 7, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on July 6, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

~~Publication~~

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

95-482-X
No.

00759A

DATE 6/22/95 ACCOUNT R0016150

AMOUNT \$ 335.00

RECEIVED
FROM: AMERICAN PCS.

1 SPX CODE 050 = 300.00
1 516N " " 080 = 35.00

FOR: TOTAL 335.00

MICROFILMED

01A0130036MICRC \$335.00
F010101170006 22-95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management

95-482-X



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.


ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Case No.: _____ Item No.: 476

Petitioner: AMERICAN PCS, L.P.

LOCATION: 305 E. JOPPA RD. TOWSON, MD 21286

PLEASE FORWARD ADVERTISING BILL TO:

NAME: AMERICAN PCS, L.P.

ADDRESS: ONE DEMOCRACY CENTER, 6901 ROCKLEDGE DR., SUITE 600
BETHESDA, MD 20817

PHONE NUMBER: (301) 214-9283

AJ:ggs

(Revised 3/29/93)



TO: PUTTOXENT PUBLISHING COMPANY
July 6, 1995 Issue - Jeffersonian

Please forward billing to:

American PCS, L.P.
One Democracy Center
6901 Rockledge Drive, #600
Bethesda, MD 20817
301-214-9283

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-482-X (Item 476)
305 E. Joppa Road
S/S Joppa Road, 430' W of Fairmount Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): TABCO Towers Associates, L.P.
Lessee: American PCS, L.P.
HEARING: TUESDAY, JULY 25, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility (height greater than 200 feet).

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-482-X (Item 476)
305 E. Joppa Road
S/S Joppa Road, 430' W of Fairmount Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): TABCO Towers Associates, L.P.
Lessee: American PCS, L.P.
HEARING: TUESDAY, JULY 25, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility (height greater than 200 feet).

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, stylized "J" and "A".

Arnold Jablon
Director
Department of Permits and Development Management

cc: TABCO Towers Associates, L.P.
Robert E. Morelock
Margaret Ruggieri, Esq.
Christine McSherry, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 18, 1995

Christine McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Towson, Maryland 21204

RE: Item No.: 476
Case No.: 95-482-X
Petitioner: TABCO Towers Assoc.

Dear Ms. McSherry:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson 
Development Coordinator, DEPRM

SUBJECT: Zoning Item #476
Tabco Towers, 305 E. Joppa Road
Zoning Advisory Committee Meeting of July 3, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

AIR QUALITY

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance/custodial personnel. We recommend that Caution/Warning signs be placed at all roof access doors.

JLP:SR:jbm

TABCO/DEPRM/TXTSBP

(Signature)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 11, 1995
Zoning Administration and Development Management

FROM: *Pub* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 10, 1995
Items 468, 469, 472, 473, 474, 475, (476) and 477

The Development Plans Review Division has reviewed
the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 5, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 473 & 476

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

RECEIVED

JUL 5 1995

ZADM

(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUL. 03, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 468, 469, 473, 474, 475,
476 AND 477

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.:

476 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

6/23/95

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 22, 1995

TO: Hearing Officer

FROM: John L. Lewis
Planner II, PDM

SUBJECT: Item #476
305 East Joppa Road

Per a conversation with Margaret Ruggieri (attorney for PCS) has authority to sign for them. I suggested power of attorney letter.

Description should only cover roof - covers entire site.

Advised DRC should be contacted for exemption status.

JLL:scj

PETITION PROBLEMS AGENDA OF JULY 3, 1995

#469 --- JRA

1. Need title of person signing for legal owner.
2. Need address and telephone number for legal owner.
3. Need attorney.

#470 --- CAM

1. Receipt was not given to petitioner - still in folder.

#471 --- CAM

1. Need telephone number for legal owner.
2. Receipt was not given to petitioner - still in folder.

#472 --- MJK

1. Need printed or typed title for person signing for legal owner.
2. Need power of attorney for person signing for legal owner.
3. Need printed or typed title for person signing for contract purchaser.
4. Need power of attorney for person signing for contract purchaser.
5. No location description on folder.

#475 --- JRA

1. Folder was not marked critical area.

#476 --- JLL

1. Need power of attorney for person signing for contract purchaser.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 19, 1997

Mr. Kevin L. Mason
Entel Technologies, Inc.
1110 North Glebe Road, Suite 850
Arlington, VA 22201

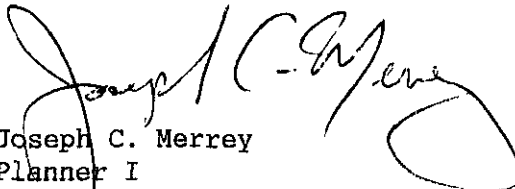
RE: Spirit and Intent
305 Joppa Road
9th Election District

Dear Mr. Mason:

Upon review of your correspondence dated March 6, 1997 regarding the above referenced matter, please be advised that it is the opinion of this office that your request to upgrade and expand the subject facility with: Six (6) panel antennas measuring 48 inches in height x 6.1 inches in width x 2.8 inches in depth; and, three (3) equipment cabinets measuring approximately 6.0 inches in height x 30 inches in width x 30 inches, is within the spirit and intent of zoning case #95-482-X.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,


Joseph C. Merrey
Planner I
Zoning Review

JCM:rye

Enclosure





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 22, 2002

Mr. Khaled Rashed
Accelacom
201 North Charles Street
Baltimore, MD 21202

Dear Mr. Rashed

RE: Tabco Towers
Spirit and Intent Case No. 95-482-X
9th Election District

Your letter, dated October 18, 2002, has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

Provided that the height of the proposed antennas do not extend beyond 15 feet above the existing building the proposal is considered to be within the "spirit and intent" of Zoning Case No. 95-482-X. You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley".

Lloyd T. Moxley
Planner II
Zoning Review

LTM

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Andrew Werchniak

Moffet, Larson, & Johnson

1110 North Glebe Rd.

Suite 800

Arlington, VA 22201

BOB MORELOCK

DMW, Inc

200 E. PENNSYLVANIA AVE.
TOWSON, MD 21286

Debbie Meaney

1110 North Glebe Road Suite 850
Arlington VA 22201



MICROFILMED



**American Personal
Communications**

**AMERICAN PERSONAL COMMUNICATIONS (APC)
HEARING BEFORE THE BALTIMORE COUNTY
ZONING COMMISSIONER
July 25, 1995**

TABLE OF CONTENTS

1. Lease Agreement with TABCO Towers Associates, L.P.
2. Photographs of 305 Joppa Road
3. Photographs and Specification Sheets for Antennas
4. Photograph and Specification Sheets for Equipment Cabinets
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6. FCC Adopts ANSI EMF Regulations
7. Radio Frequency Statement - Jules Cohen
8. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
9. FCC's Chairman, Reed Hundt, Speech Excerpts

Let Nol



WEST ELEVATION

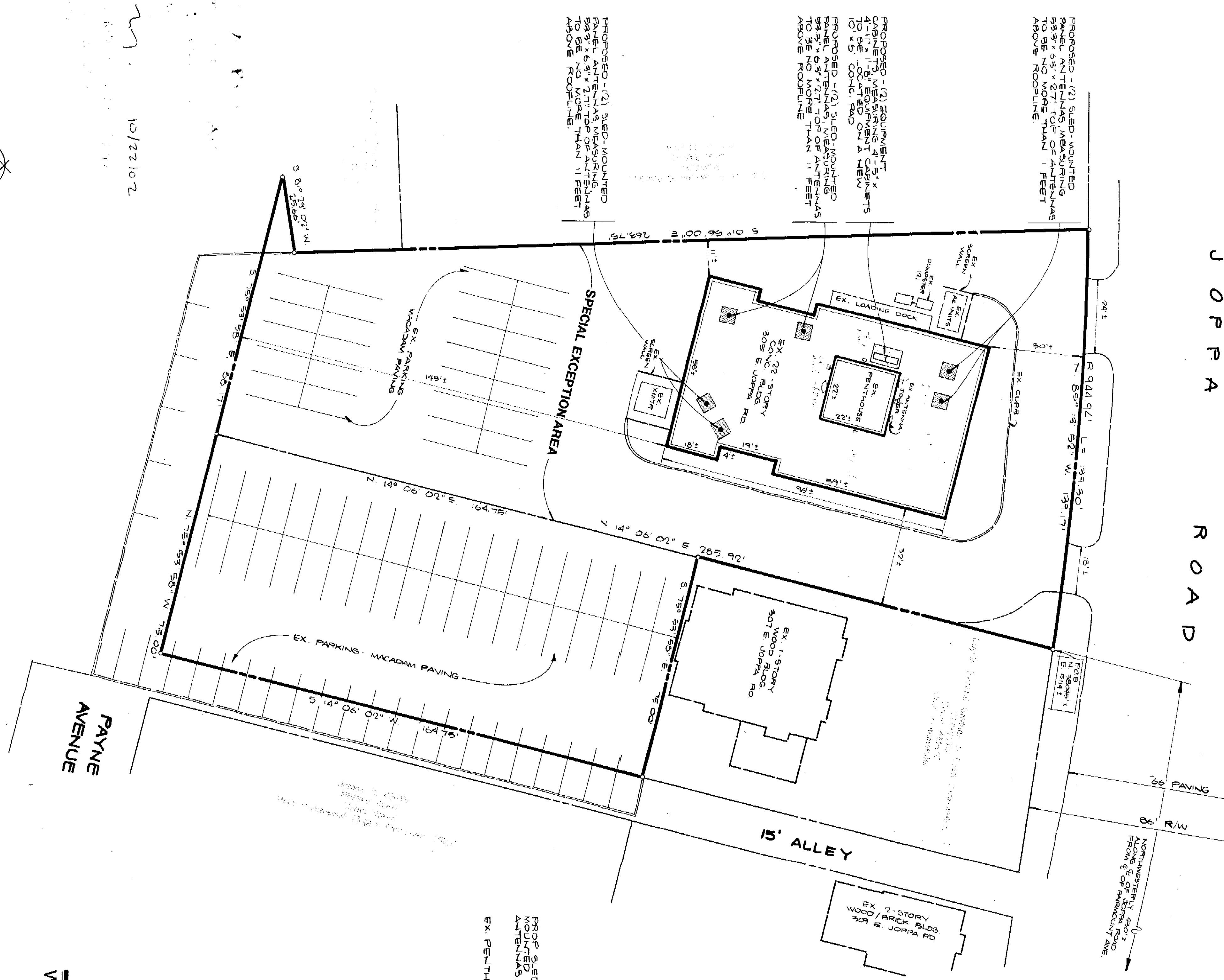
JUN 22 1995

DAFT-McCUNE-WALKER, INC.

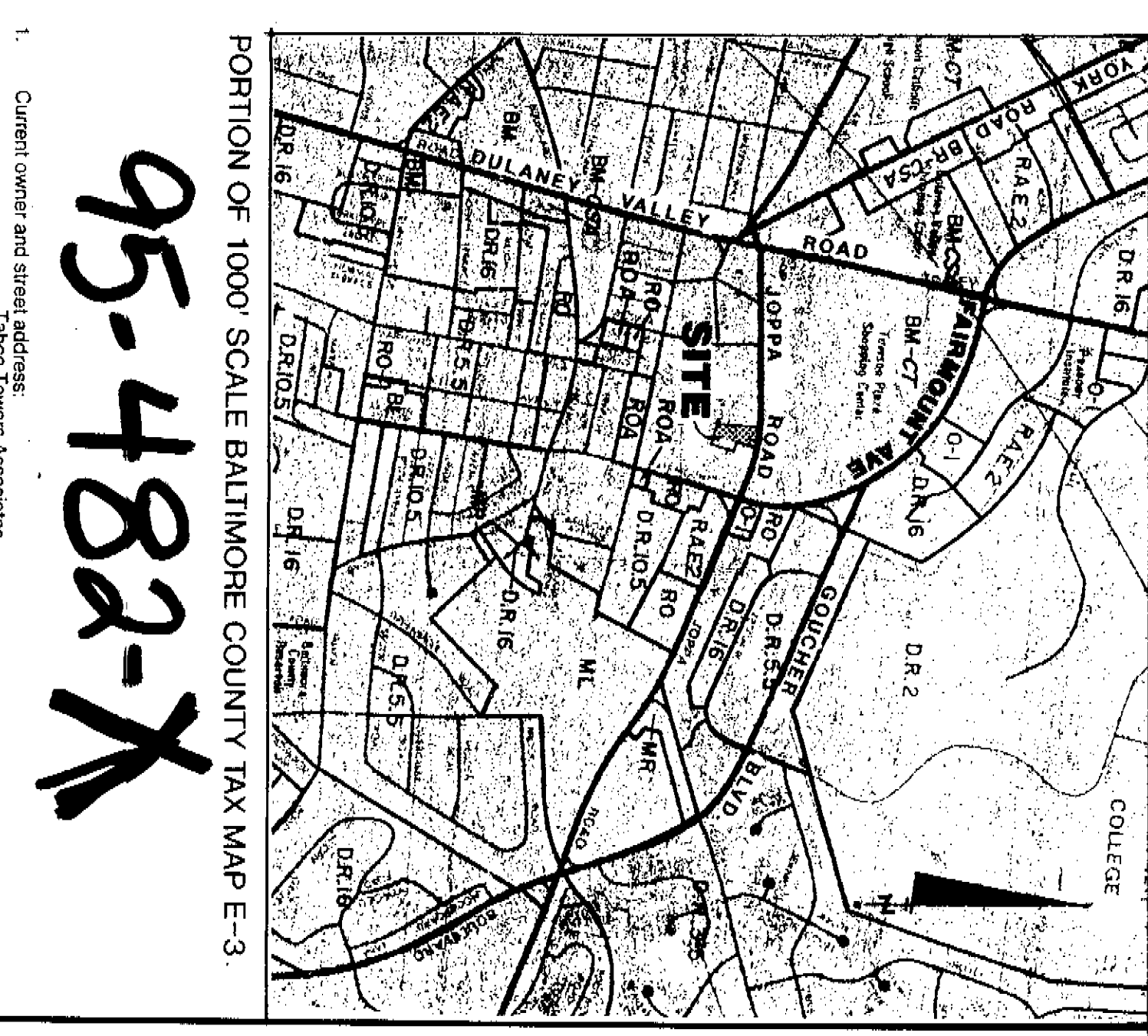
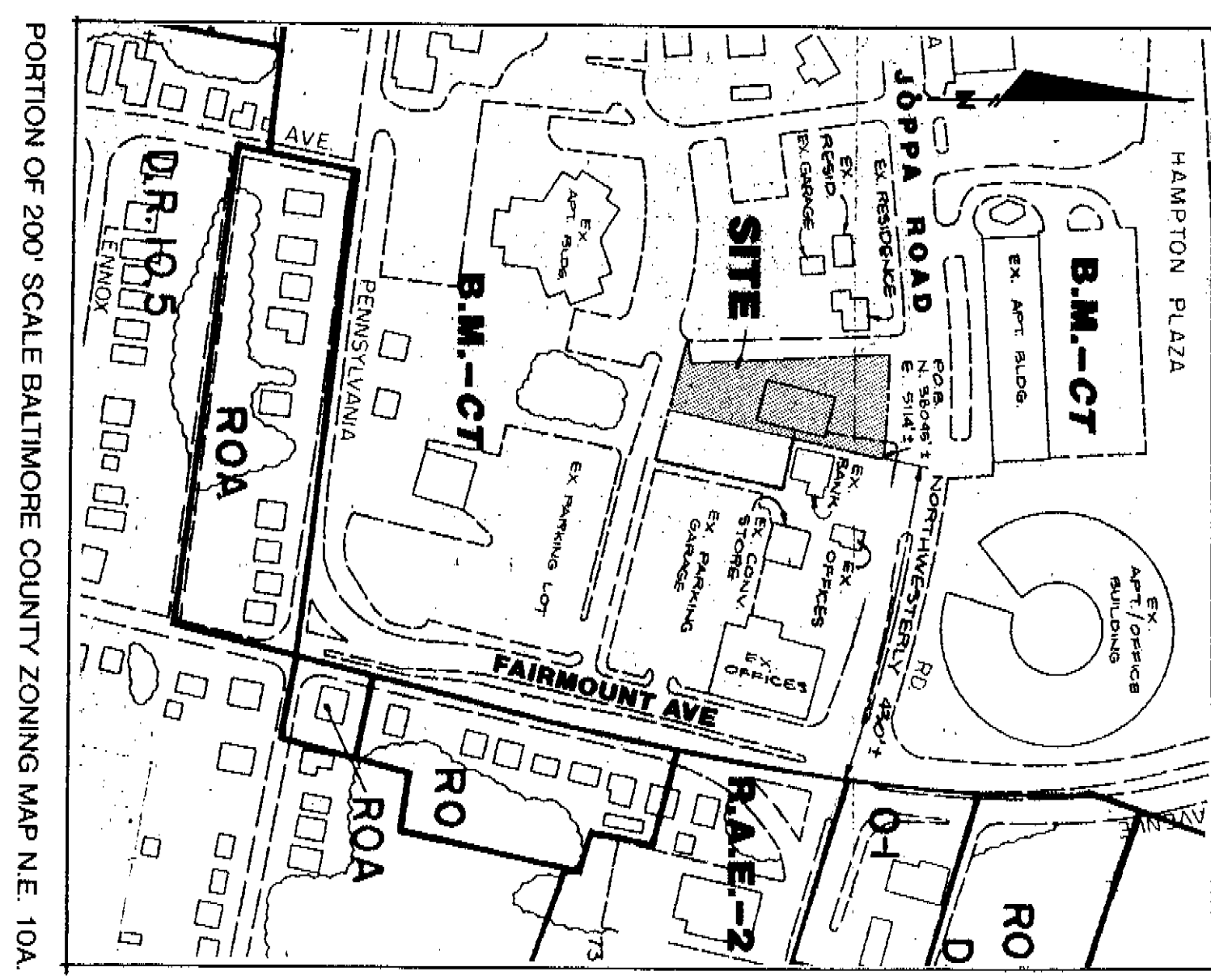
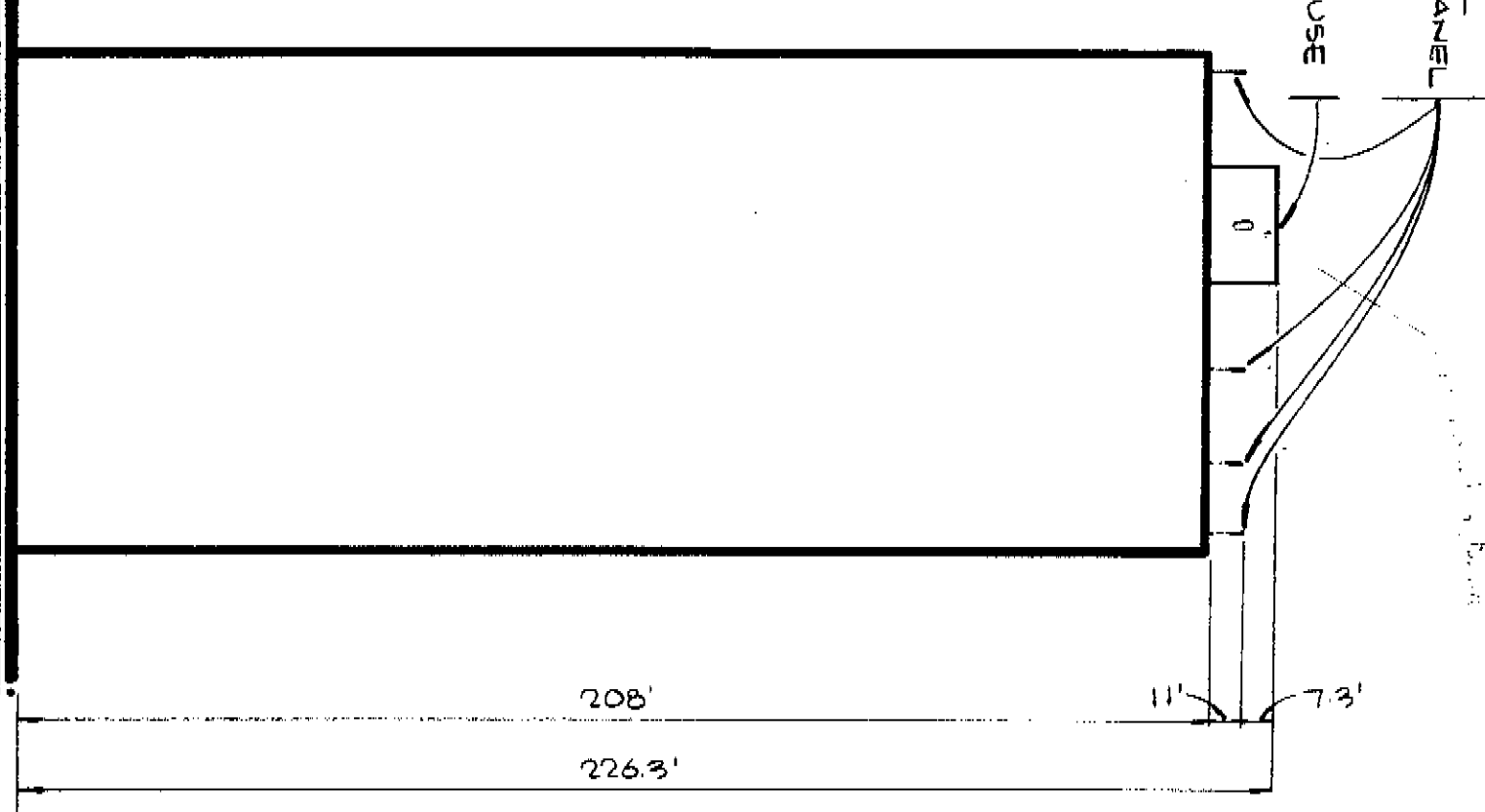


SITE PLAN

Scale: 1" = 20'



WEST ELEVATION Not To Scale



95-482-X

Requested Zoning Action
Special Exception pursuant to §233.4 to permit a wireless transmitting and receiving facility not permitted by Section 426. (Height of facility will be greater than 200').

1. Current owner and street address:
Tabco Towers Associates
305 Joppa Road
Towson, MD 21204
2. Contract lessee:
American PCS, L.P.
One Democracy Center
801 Rockledge Drive, Suite 600
Baltimore, MD 21201
3. Site area:
(Parcel 150) 0.69 AC ± N/A
(Parcel 151) 0.33 AC ± N/A
Total 1.02 AC ± N/A
4. Existing use:
Office/Residential Building
5. Street Address:
305 East Joppa Road
Baltimore, MD 21285
6. Site data:
Tax map 70A, block 12, parcels 150 & 151
Deed reference: 5503013 & 5503049
Zoning: BM-C1, 2000013584 & 0923156210
Election District: 9
7. The proposed roof mounted wireless transmitting and receiving facility will consist of (a) a 26' x 26' x 12' antenna structure measuring 52.1' high x 6.3' wide x 12' deep, set at (b) (elevation defined) measuring 4.9' high x 14'1" wide x 1'6" deep. No water or sanitary utilities are required for the facility.
8. The information and boundary location shown hereon have been compiled from deeds and other sources believed to be reliable, however their accuracy is not guaranteed and is subject to revision.
9. Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
10. No additional site or antenna lights are proposed.
11. Zoning History:
The site was the subject of Zoning Case # 77-137-X, requesting a Special Exception to permit a wireless transmitting and receiving antenna. On February 28, 1977, the Zoning Commissioner of Baltimore County voted to deny the Special Exception be granted.
12. The site was the subject of Zoning Case # 75-17-A, requesting a Variance from Sections 409.2, 409.2b(5) and (6), and 235B, 6, to permit 100 parking spaces in lieu of the required 200 parking spaces. On August 22, 1974, the Zoning Board of Appeals, in its decision, recommended that the Special Exception be granted. On April 11, 1975, in the Circuit Court for Baltimore County, the County Board of Appeals, in its decision, reversed the order passed by the Baltimore County Board of Appeals.
13. The site was the subject of Zoning Case # 65-53-X, requesting a Variance to Section 233.4, to permit a wireless transmitting and receiving antenna. On January 25, 1975, the Zoning Commissioner of Baltimore County ordered that the Variance and the Special Exception be granted.
14. There are no new signs proposed for this facility.
15. Floor area ratio: Total Gross Floor Area = 14,630 sq. ft. (max. Permitted in a BM-C1 Zone = 5.5)
16. Setbacks:
Front (feet) 15
Side (feet) 0
Rear 145 ±
17. Parking: Proposed Spaces: 0
The proposed wireless transmitting and receiving facilities do not block or affect any existing parking spaces.

Attorney:
Christine K. McSherry
1000 York Road & Preston
500 Court Tower
210 West Pennsylvania Avenue
Towson, MD 21204-4515
(410) 832-2000

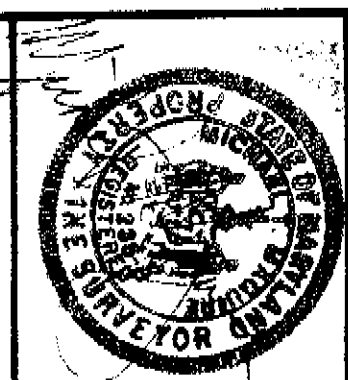
476
MICHAEL J. WALKER, INC.
PRINTED
JUN 22 1995
DAFT-MACQUE-WALKER, INC.



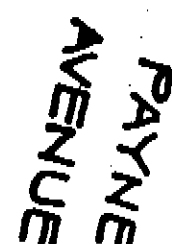
American Personal Communications
Site Plan to Accompany Petition for Special Exception

Tabco Towers Site BAN 26C
9th Election District

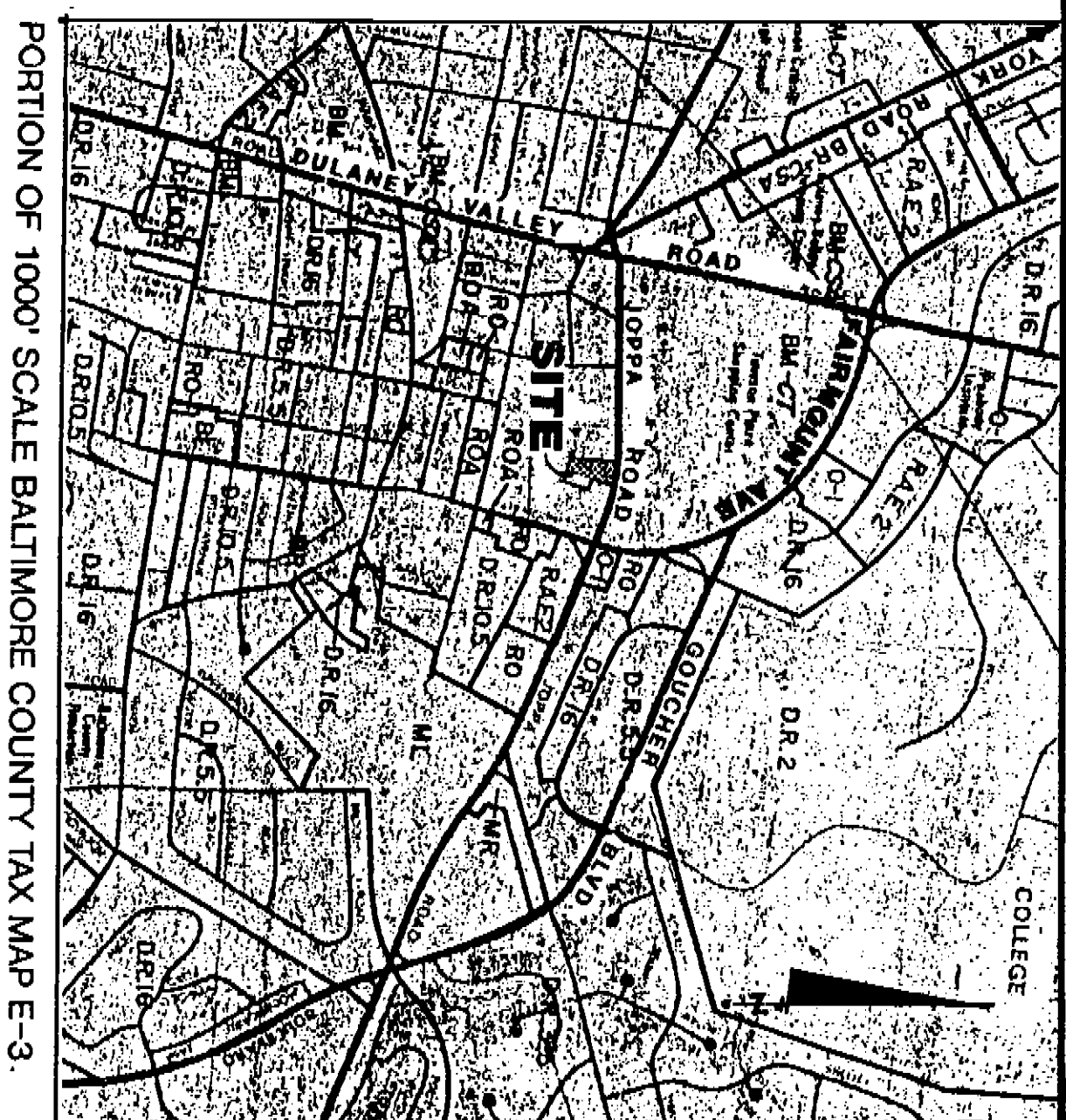
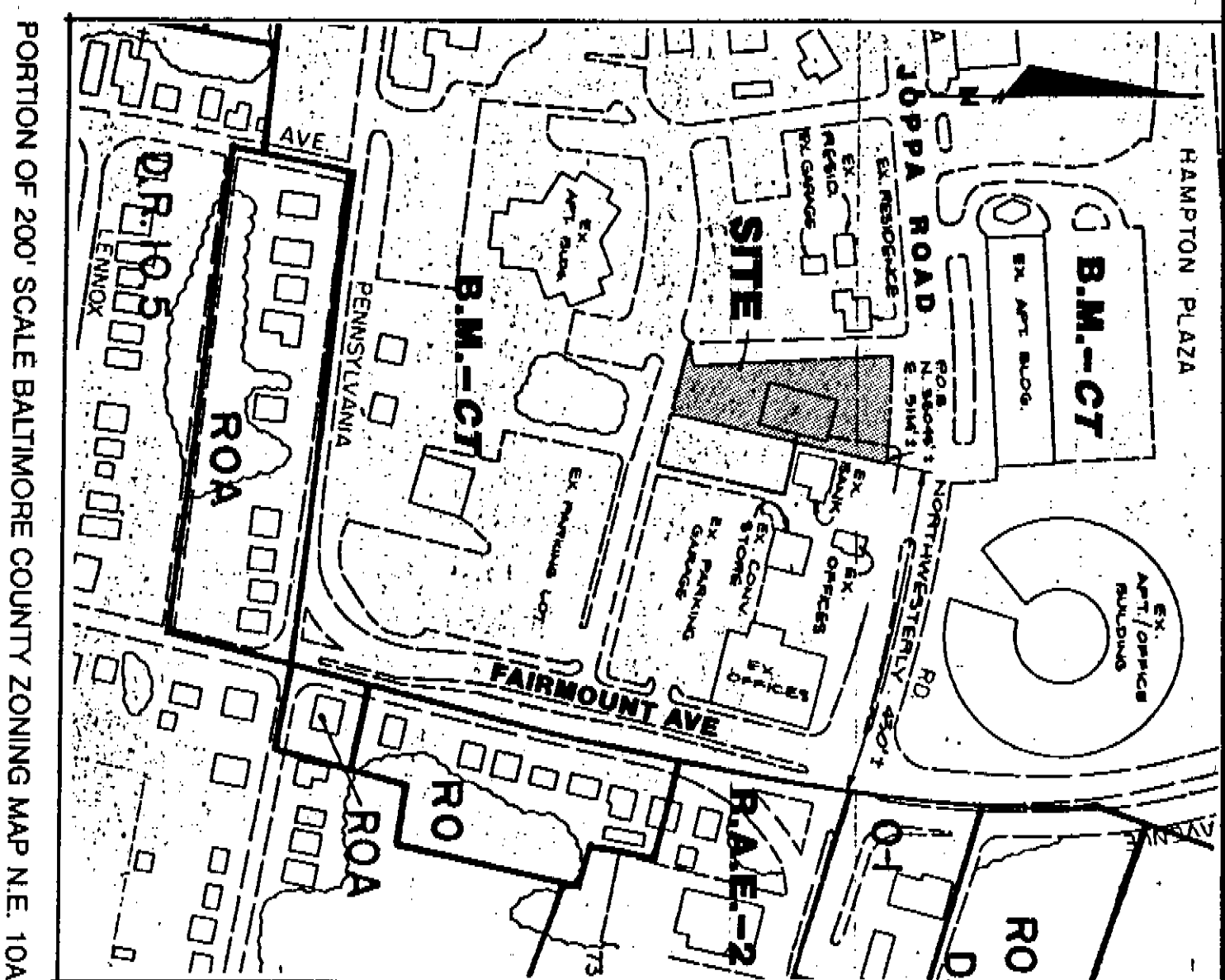
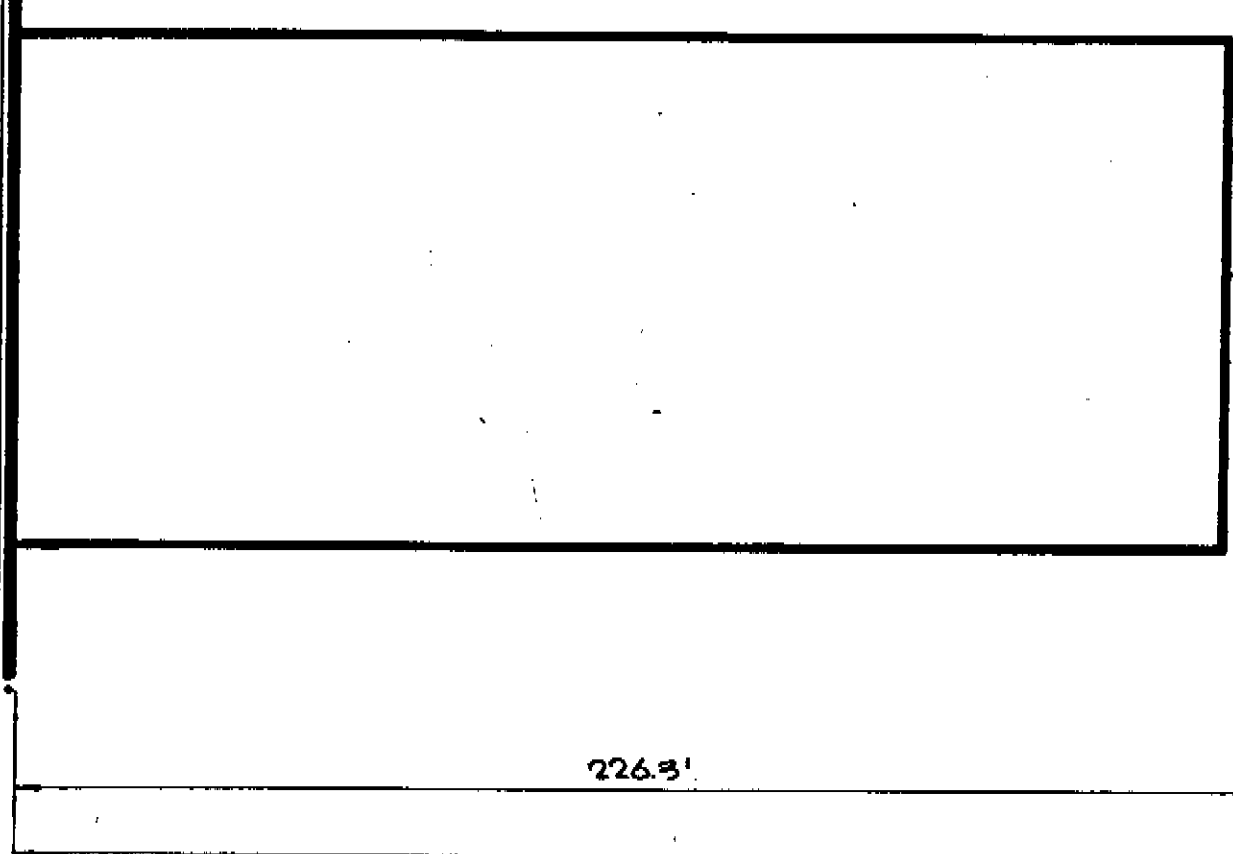
Baltimore County, Maryland



Scale: 1" = 20'



WEST ELEVATION Not To Scale

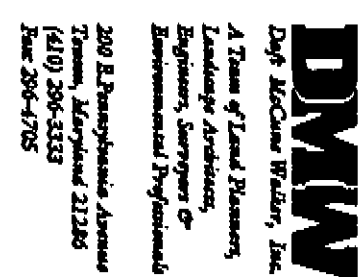


1. Current owner and street address:
 The Owners: Associates
 40 Wilkes Avenue, Inc.
 300 Joppa Road
 Towson, MD 21204
 2. Contact person:
 American PCS, L.P.
 One Democracy Center
 Bethesda, MD 20817
 Reference: 150 DSB A-E; Not
 Towed
 Phone: 570 939 A-E; Not
 Towed
 3. Site area:
 Official/Attachment Building
 4. Existing use:
 Street Address:
 305 East Joppa Road
 Baltimore, MD 21286
 5. Site data:
 Tax map 70A, block 12, parcels 550 and 573
 Tax reference: 5500303 and 55003949
 Zoning B-C-1-C; 2000013584 & 0823158210
 Election District: 4
 Precinct: District 9
 6. The proposed roof membrane, glass transmitting and receiving facility will consist of (9) panels of translucent polycarbonate sheets, 10' x 10' x 1/2" thick, supported by 10' x 10' x 6" concrete piers on the main building roof.
 No additional site alterations are required for the facility.
 7. The information and boundary location shown here have been compiled from direct and/or source surveys believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
 8. Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
 9. No additional site or antenna lights are proposed.
 10. Zoning history:
 The site was the subject of Zoning Case # 77-197-X, requesting a Special Exception to allow wireless transmitting and receiving antennas. On February 28, 1977, the Zoning Commission of Baltimore County ordered that the Special Exception be granted.
 11. The site was the subject of Zoning Case #75-17-A, requesting a Variance from Sections 409.23, 409.20 (5) and (6), and 225B, 6, to permit the installation of a radio transmitting antenna on the roof of the required 500 parking spaces. On August 22, 1974, the Zoning Commission, on January 6, 1975, the County Planning Board, and on January 6, 1975, the Zoning Commission, ordered that the Variance be granted. On April 11, 1976, in the Circuit Court for Baltimore County, "In re County Board of Appeals, et al., Judge, reversed the order passed by the Baltimore County Board of Appeals.
 12. The site was the subject of Zoning Case #55B-9-V, requesting a Variance to Sections 409.23, 409.20 (5) and (6), and 225B, 6, to permit the installation of a radio transmitting antenna on the roof of the required 500 parking spaces. On October 1, 1982, the Zoning Commission of Baltimore County ordered that the Special Exception be granted.
 13. The site was the subject of Zoning Case #55-482-X, requesting a Special Exception to allow wireless transmitting and receiving antennas. On July 27, 1985, the Zoning Commission of Baltimore County ordered that the Special Exception be granted. Subject, however, to the following restriction:
 1. The petitioner is hereby made aware that proceeding at this time is at its own risk. The proposed facility is subject to a special appeals process from this order as explained, below. The petitioner is hereby notified that the proposed facility is subject to a special appeals process from this order as explained, below, and is responsible for returning said property to its original condition.
 14. There are no new signs proposed for this facility.
 15. Floor area ratio: Total Gross Floor Area + Total Gross Site Area
 (max. allowed = 1.46; 234,441 sq. ft. + 46,329 sq. ft. = 2.81)
 16. Spectra:
 Required to
 E2, Building
 Provided to
 E2, Building
 17. Paving
 Proposed Spaces: 0
- The proposed wireless transmitting and receiving facilities do not block or affect any existing parking spaces.
- On July 16, 1985, the Development Review Committee granted American PCS a limited duration under Section 26-171(a)(7) per DC Ord. #7105EE.



Tabco Towers Site CBN 026
9th Election District

Baltimore County, Maryland



Day: McGraw-Hill, Inc.
**A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors or
Environmental Professionals**

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Joppa Road, 430 ft. W of * ZONING COMMISSIONER
Fairmount Avenue * OF BALTIMORE COUNTY
305 E. Joppa Road * Case No. 95-482-X
9th Election District
4th Councilmanic District
TABCO Towers Associates L.P., Lessee
American PCS, L.P., Lessee
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 305 E. Joppa Road in Towson. The Petition is filed by TABCO Towers Associates, L.P., property owner, and Margaret C. Ruggieri, Esquire on behalf of American PCS, L.P., (hereinafter known as "APC") Lessee. Special exception relief is requested, pursuant to Section 233.4 of the Baltimore County Zoning Regulations (BCZR) for approval of a wireless transmitting and receiving facility in a B.M.-C.T. zone. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

Appearing at the public hearing held for this case was Debbie Meaney on behalf of APC. Also present on behalf of that corporation were two consultants retained by that company, Andrew Werchniak, an expert in radio frequencies, and Robert Morelock of Daft, McCune, Walker, Inc., who prepared the site plan. There were no Protestants or other interested persons present.

This is another in a series of Petitions which have recently come before this Zoning Commissioner filed by APC. These Petitions have been filed similar to the instant case by APC. As discussed repeatedly in previous opinions of this office, APC is in the business of providing cellular communications. These communications include cellular telephones as well

as cellular fax transmissions and other data. APC is establishing a cellular communication network within Baltimore County. This network is obtained by erecting a series of towers or placing antennas on top of existing structures. This construction enables communications to be handed off from one antenna to the next so that mobile communications can be serviced. Testimony offered in past cases was that the radio waves and frequencies generated by the network system are not detrimental to the health of the populace nor do they interfere with other electronic transmission including television, police radio and other frequencies.

The subject Petition is requested to fill a void in the Towson vicinity of APC's network. Six antennas will be erected atop the TABCO Towers building. As noted above, these antennas will serve mobile communication in the Towson vicinity, including that traffic on I-695 of the Baltimore Beltway.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Special Exception. It is clear that the Petitioner has satisfied the standards set forth in Section 502.1 of the BCZR, as well as the particular requirements governing wireless transmitting facilities contained in Section 426 of the BCZR. There is no evidence that the proposed use will, in any manner, adversely affect the health, safety and general welfare of the surrounding locale. I am persuaded that the Petitioner has met the burden which must be satisfied at law. Thus, the Petition for Special Exception shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

- 2 -

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of July, 1995 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility in an B.M.-C.T. zone, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

July 27, 1995

(410) 887-4386

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

Margaret Ruggieri, Esquire
American PCS, L.P.
One Democracy Center
6901 Rockledge Dr., Suite 600
Bethesda, Maryland 20817

RE: Case No. 95-482-X
Petition for Special Exception
American PCS, L.P., Lessee
TABCO Towers Associates, L.P., Legal Owner

Dear Ms. Ruggieri:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restrictions, in accordance with the attached Order.

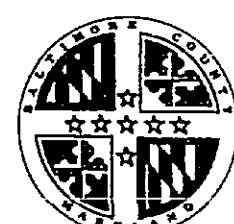
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

att.
cc: Ms. Debbie Meaney
cc: Christine McSherry, Esquire
cc: Robert Morelock, Daft, McCune and Walker



Petition for Special Exception to the Zoning Commissioner of Baltimore County for the property located at 305 E. Joppa Road which is presently zoned BM-CT

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility not permitted by Section 426, pursuant to § 233.4

(Height of facility will be greater than 200')

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Petitioner/Lessee:
Margaret Ruggieri, Legal Counsel
(Type or Print Name)
Signature: *M. Ruggieri*
American PCS, L.P.
One Democracy Center, 6901 Rockledge Dr., Suite 600
Bethesda, MD 20817

Attorney for Petitioner:
Christine McSherry
(Type or Print Name)
Signature: *Christine McSherry*
Whitford, Taylor & Preston
500 Court Towers, 210 W. Pennsylvania Ave., 832-2000
Towson, MD 21204

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s):
TABCO Towers Associates, L.P.
William F. Wilke, General Partner
(Type or Print Name)
Signature: *William F. Wilke*

Signature: *Robert E. Morelock*
Robert E. Morelock, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Ave., Towson MD 21204
Address: 200 E. Pennsylvania Ave., Towson MD 21204
Phone No. 296-3333

ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following dates: _____ Next Two Months
ALL OTHER: _____
REVIEWED BY: _____ DATE: _____



Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Description
to Accompany Petition for Special Exception
0.65 Acre Parcel
TABCO Towers Associates Property
305 East Joppa Road, Towson, Maryland
Ninth Election District, Baltimore County, Maryland
Beginning for the same on the south side of Joppa Road at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Joppa Road with the centerline of Fairmount Avenue (1) Northwesterly along the centerline of Joppa Road 430 feet, more or less, and thence (2) Southwesterly 43 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 38045 feet, more or less, and East 5114 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running with the south side of Joppa Road (1) Northwesterly by a curve to the left having a radius of 944.94 feet, for a distance of 139.30 feet, (the arc of said curve being subtended by a chord bearing North 85 degrees 13 minutes 52 seconds West 139.17 feet), thence leaving said road and running the two following courses and distances, viz: (2) South 01 degrees 56 minutes 00 seconds East 263.75 feet, thence (3) South 81 degrees 29 minutes 02 seconds West 25.66 feet to a point on the north side of Payne Avenue, thence running with the north side of said avenue (4) South 75 degrees 53 minutes 58 seconds East 88.17 feet, and thence leaving said avenue running (5) North 14 degrees 06 minutes 02 seconds East 285.92 feet to the point of the beginning; containing 0.65 acres of land, more or less.

Page 1 of 2

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 21, 1995

Project No. 94161.40 (L94161.40)



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified in the following information at the Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, in Towson, Maryland 21204, at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 2:00 p.m. on Tuesday, July 25, 1995 at 2:00 p.m. in Room 118, Old Courthouse. Case Number: 95-482-X (Item #78) 305 E. Joppa Road, 430 W. of Fairmount Avenue, 9th Election District, 4th Councilmanic District. Legal Owner(s): TABCO Towers Associates, L.P. Lessee: American PCS, L.P. HEARING: TUESDAY, JULY 25, 1995 at 2:00 p.m. in Room 118, Old Courthouse. Special Exception for a wireless transmitting and receiving facility. Public hearing. Run 200 feet.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County. NOTES: (1) Hearings are held at the County Office Building. (2) Hearings are held at the County Office Building. (3) Hearings are held at the County Office Building. (4) Hearings are held at the County Office Building. (5) Hearings are held at the County Office Building. (6) Hearings are held at the County Office Building. (7) Hearings are held at the County Office Building. (8) Hearings are held at the County Office Building. (9) Hearings are held at the County Office Building. (10) Hearings are held at the County Office Building. (11) Hearings are held at the County Office Building. (12) Hearings are held at the County Office Building. (13) Hearings are held at the County Office Building. (14) Hearings are held at the County Office Building. (15) Hearings are held at the County Office Building. (16) Hearings are held at the County Office Building. (17) Hearings are held at the County Office Building. 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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6/24/95 ACCOUNT: 20016150

AMOUNT: \$ 335.00

RECEIVED FROM: AMERICAN PCS

1 SPX G.D.C. 0500: 300.00
1 SPX " " 0800: 35.00
TOTAL 335.00

FOR: 91401900644HCHBC \$335.00
B4 C01017A006-22-95

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

95-482-X

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: Item No.: 476

Petitioner: AMERICAN PCS, L.P.

LOCATION: 305 E. JOPPA RD. TOWSON, MD 21286

PLEASE FORWARD ADVERTISING BILL TO:

NAME: AMERICAN PCS, L.P.

ADDRESS: ONE DEMOCRACY CENTER, 6901 ROCKLEDGE DR., SUITE 600
BETHESDA, MD 20817

PHONE NUMBER: (301) 214-9283

Arnold Jablon, DIRECTOR

AJ:ggg
(Revised 3/29/93)

TO: POTOMAC PUBLISHING COMPANY
July 6, 1995 Issue - Jeffersonian

Please forward billing to:

American PCS, L.P.
One Democracy Center
6901 Rockledge Drive, #600
Bethesda, MD 20817
301-214-9283

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-482-X (Item 476)
305 E. Joppa Road
S/S Joppa Road, 430' W of Fairmount Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): TABCO Towers Associates, L.P.
Lessee: American PCS, L.P.
HEARING: TUESDAY, JULY 25, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility (height greater than 200 feet).

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 27, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-482-X (Item 476)
305 E. Joppa Road
S/S Joppa Road, 430' W of Fairmount Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): TABCO Towers Associates, L.P.
Lessee: American PCS, L.P.
HEARING: TUESDAY, JULY 25, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility (height greater than 200 feet).

Arnold Jablon
Director
Department of Permits and Development Management

cc: TABCO Towers Associates, L.P.
Robert E. Kowick
Margaret Ruggieri, Esq.
Christine McSherry, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 18, 1995

Christine McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Towson, Maryland 21204

RE: Item No.: 476
Case No.: 95-482-X
Petitioner: TABCO Towers Assoc.

Dear Ms. McSherry:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

MCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management July 11, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #476
Tabco Towers, 305 E. Joppa Road
Zoning Advisory Committee Meeting of July 3, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

AIR QUALITY

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance/custodial personnel. We recommend that Caution/Warning signs be placed at all roof access doors.

JLP:SR:jbm
TABCO/DEPRM/TXTSRP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management DATE: July 11, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 10, 1995
Items 468, 469, 472, 473, 474, 475, 476 and 477

The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:cw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management DATE: July 5, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 473 & 476

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey N. Long
Division Chief: Candy L. Kerner

PK/JL



700 East Joppa Road Suite 901
Towson, MD 21286-5500

RECEIVED
JUL 5 1995
ZADM
(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUL. 03, 1995.

Item No.: SEE BELOW Zoning Agenda:

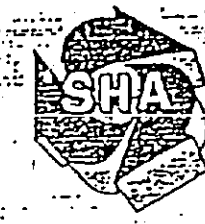
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 468, 469, 473, 474, 475, 476 AND 477

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

D. James Lighthizer
Secretary
Hal Kassell
Administrator

Re: Baltimore County
Item No.: 476 (JLL)

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 22, 1995
TO: Hearing Officer
FROM: John L. Lewis
Planner II, PDM
SUBJECT: Item #476
305 East Joppa Road

Per a conversation with Margaret Ruggieri (attorney for PCS) has authority to sign for them. I suggested power of attorney letter.

Description should only cover roof - covers entire site.

Advised DRC should be contacted for exemption status.

JLL:scj

PETITION PROBLEMS
AGENDA OF JULY 3, 1995

#469 -- JRA

1. Need title of person signing for legal owner.
2. Need address and telephone number for legal owner.
3. Need attorney.

#470 -- CAM

1. Receipt was not given to petitioner - still in folder.

#471 -- CAM

1. Need telephone number for legal owner.
2. Receipt was not given to petitioner - still in folder.

#472 -- MJK

1. Need printed or typed title for person signing for legal owner.
2. Need power of attorney for person signing for legal owner.
3. Need printed or typed title for person signing for contract purchaser.
4. Need power of attorney for person signing for contract purchaser.
5. No location description on folder.

#475 -- JRA

1. Folder was not marked critical area.

#476 -- JLL

1. Need power of attorney for person signing for contract purchaser.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Andrew Werniak

Mollet, Larson, & Johnson

110 North Glebe Rd.

Suite 800

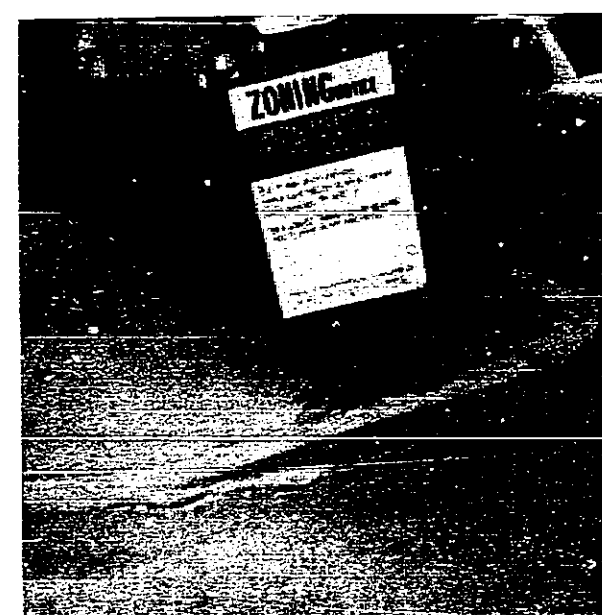
Arlington, VA 22201

BOB MORELOCK

DMK, Inc.
200 E. PENNSYLVANIA AVE.
TOWSON, MD 21286

1110 North Club Road Suite 850
Arlington, VA 22201

Debbie Meaney



American Personal
Communications

AMERICAN PERSONAL COMMUNICATIONS (APC)
HEARING BEFORE THE BALTIMORE COUNTY
ZONING COMMISSIONER
July 25, 1995

TABLE OF CONTENTS

1. Lease Agreement with...
2. Photographs of 305 Joppa Road
3. Photographs and Specification Sheets for Antennas
4. Photograph and Specification Sheets for Equipment Cabinets
5. FCC License
6. FCC Adopts ANSI EMF Regulations
7. Radio Frequency Statement - Jules Cohen
8. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
9. FCC's Chairman, Reed Hundt, Speech Excerpts

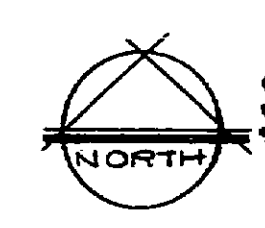
Let Not

PROPOSED - (2) SLED-MOUNTED
PANEL ANTENNAS, MEASURING
53'3" x 6'3" x 2'7" TOP OF ANTENNAS
TO BE NO MORE THAN 11 FEET
ABOVE ROOFLINE.

PROPOSED - (2) EQUIPMENT
CABINETS, MEASURING 4'-5" x
4'-11" x 1'-8" EQUIPMENT CABINETS
TO BE LOCATED ON A NEW
10' x 6' CONC. PAD

PROPOSED - (2) SLED-MOUNTED
PANEL ANTENNAS, MEASURING
53'3" x 6'3" x 2'7" TOP OF ANTENNAS
TO BE NO MORE THAN 11 FEET
ABOVE ROOFLINE.

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ABOVE ROOFLINE.

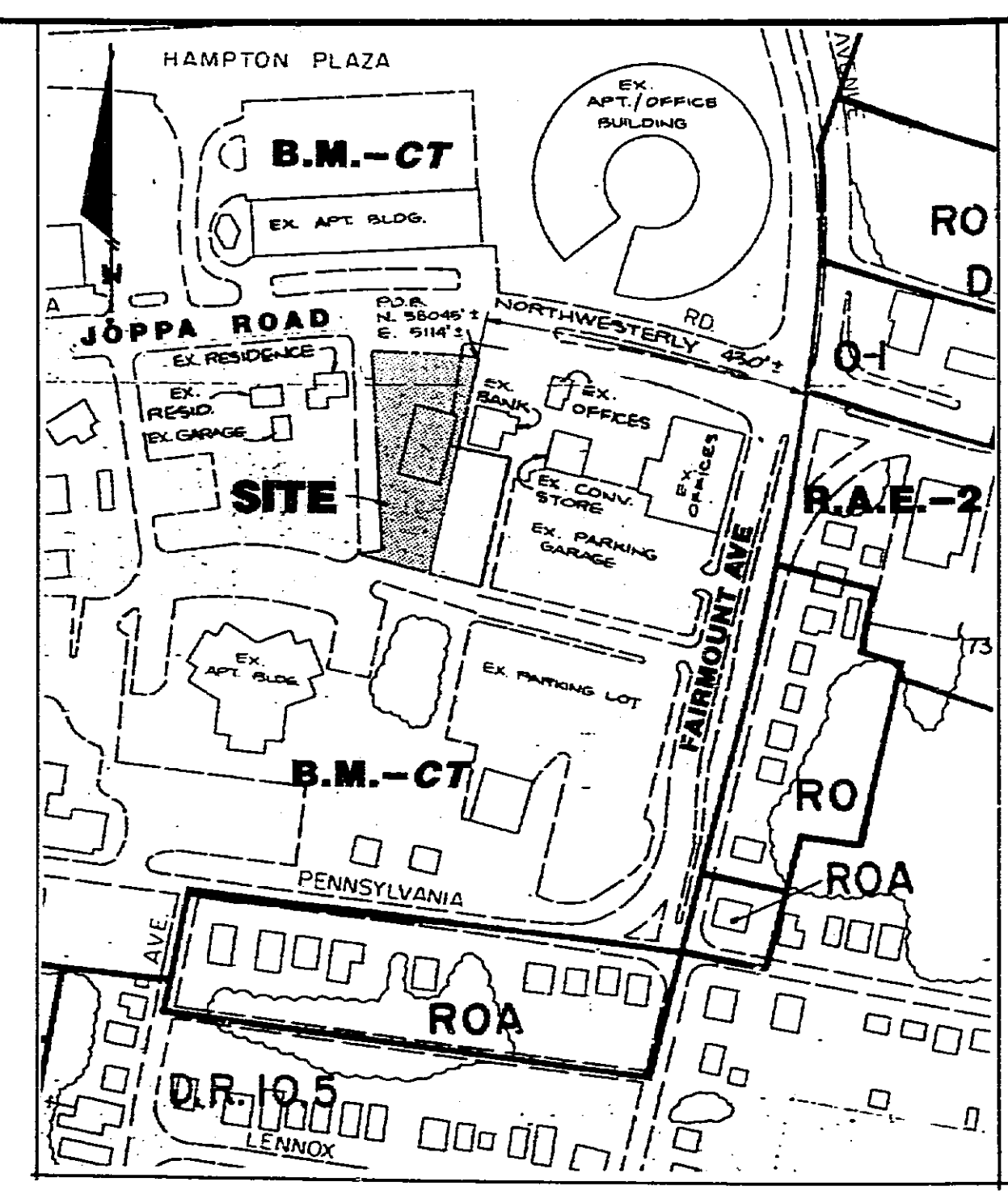


SITE PLAN

Scale: 1" = 20'

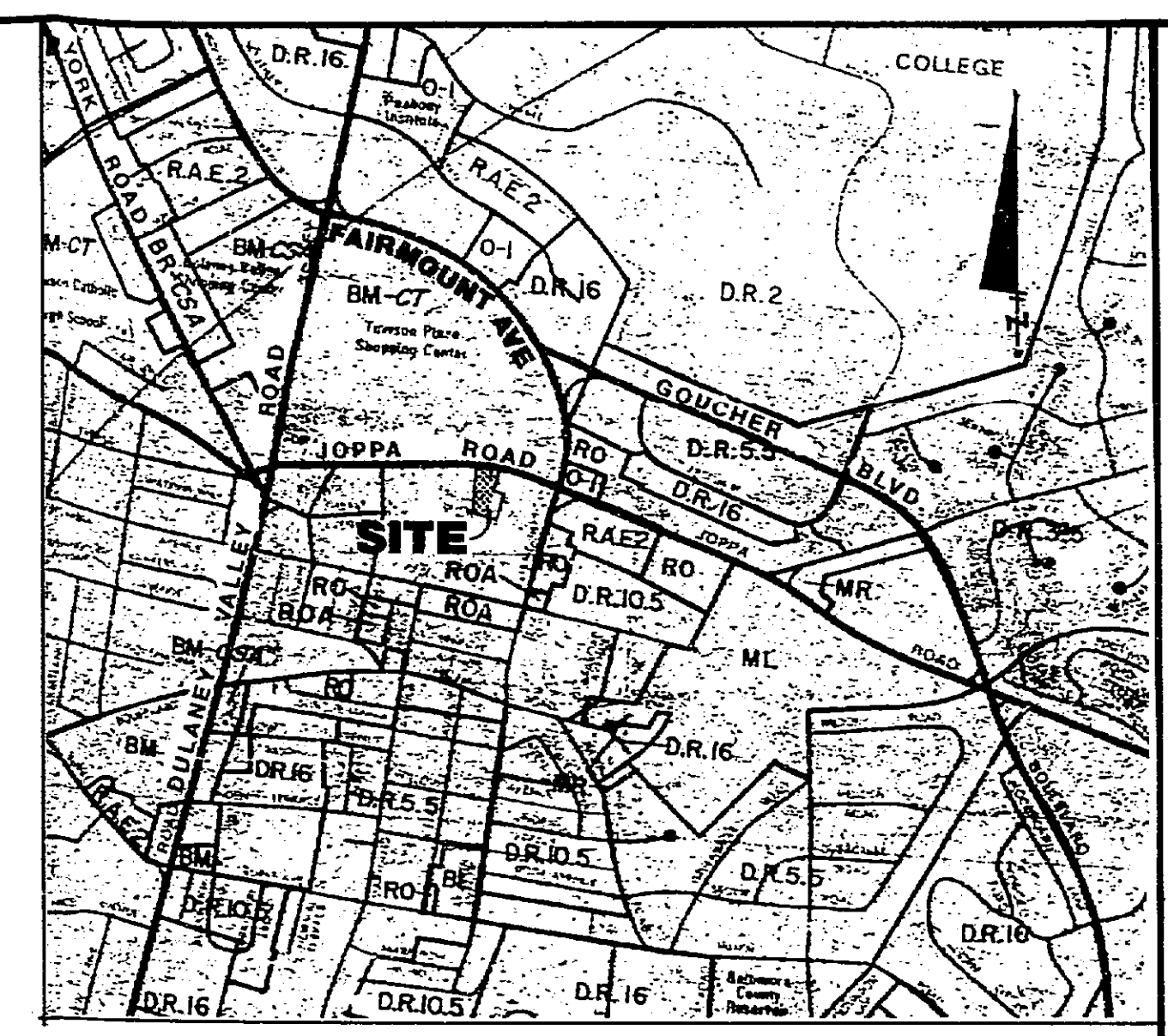
WEST ELEVATION Not To Scale

Plat No 2



Requested Zoning Action

Special Exception pursuant to §233.4 to permit a wireless transmitting and receiving facility not permitted by Section 426. (Height of facility will be greater than 200'.)



PORTION OF 1000' SCALE BALTIMORE COUNTY TAX MAP E-3.

95-482-X

- Current owner and street address:
Tabco Towers Associates
c/o Wilco Management, Inc.
305 Joppa Road
Towson, MD 21204
- Contract lessee:
American PCS, L.P.
One Democracy Center
6501 Rockledge Drive, Suite 600
Bethesda, MD 20817
- Site area:
(Parcel 150) 0.65 Ac. ± Net
(Parcel 573) 0.28 Ac. ± Net
Total
0.93 Ac. ± Net
- Existing use:
Office/Apartment Building
- Street Address:
305 East Joppa Road
Baltimore, MD 21208
- Site data:
Tax map 70A, block 12, parcels 150 & 573
Deed reference: 5503/013 & 5500/049
Tax Account Nos.: 2000013894 & 0923158210
Zoning: BM-CT
Election District: 9
Councilmanic District: 4
- The proposed roof mounted wireless transmitting and receiving facility will consist of (6) sled-mounted panel antennas measuring 53.3' high x 6.5' wide x 2.7' deep, and (2) equipment cabinets measuring 4'-5" high x 4'-11" wide x 1'-8" deep.
- No water or sanitary utilities are required for the facility.
- The information and boundary location shown hereon have been compiled from deeds and other sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
- Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
- No additional site or antenna lights are proposed.
- Zoning History:
This site was the subject of Zoning Case # 77-137-X, requesting a Special Exception to permit commercial wireless transmitting and receiving antennas. On February 28, 1977, the Zoning Commissioner of Baltimore County ordered that the Special Exception be granted.
This site was the subject of Zoning Case # 75-17-A, requesting a Variance from Sections 408.24, 408.2b(5) and (6), and 235B, 5, to permit 100 parking spaces in lieu of the required 200 parking spaces. On August 22, 1974, the Zoning Commissioner of Baltimore County ordered that the Variance be granted. On January 6, 1975, the County Board of Appeals, ordered that the Variance be denied. On April 11, 1975, in the Circuit Court for Baltimore County, the Honorable John E. Raine, Jr., Judge, reversed the order passed by the Baltimore County Board of Appeals.
This site was the subject of Zoning Case # 5658-KV, requesting a Variance to Section 217.3, to permit side yard setbacks of 4' and 10' in lieu of the required 25'. The case also requested a Special Exception to permit business offices. On October 9, 1992, the Zoning Commissioner of Baltimore County ordered that the Variance and the Special Exception be granted.

Previous Permits:		
#435-75 Building	#552-77 Alteration	#575-77 Alteration
#429-77 Alteration	#746-79 Alteration	#1206-76 Alteration
#955-82 Alteration	#638-78 Alteration	#514-76 Alteration
#1074-77 Alteration	#611-75 Alteration	#482-75 Alteration
#1277 Alteration	#74-77 Alteration	#688-76 Alteration
#943-76 Alteration	#1961-48 Alteration	#567-71 Alteration
#508-87 Alteration	#1339-78 Alteration	

- There are no new signs proposed for this facility.
- Floor area ratio: Total Gross Floor Area = Total Gross Site Area
113,504 s.f. = 48,304 s.f. = 2.58
(max. Permitted in a BM-CT Zone = 5.5)

Setbacks:	Required to Ex. Building	Provided to Ex. Building
Front:	15'	30' ±
Side (east):	0	11' ±
Side (west):	0	32'
Rear:	0	145' ±

- Parking: Proposed Spaces: 0
The proposed wireless transmitting and receiving facilities do not block or affect any existing parking spaces.

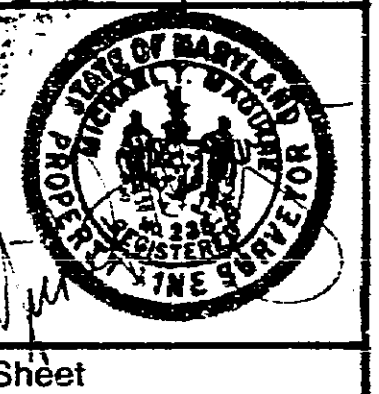
Attorney: Christine K. McSherry
Whitford, Taylor, & Preston
500 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-4515
(410) 832-2000

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JUN 22 1995
DAFT-MCCUNE-WALKER, INC.

DMW
Daft McCune Walker, Inc.
A Team of Land Planners,
Engineers, Architects,
Engineers, Surveyors &
Environmental Professionals
200 E. Pennsylvania Avenue
Towson, Maryland 21206
(410) 296-3533
Fax: 296-4765

American Personal
Communications
Site Plan to Accompany Petition for Special Exception
Tabco Towers Site BAN 26C
9th Election District

No.	Description	Date
REVISIONS		
Proj. No.	94161.40	
Date	6/16/95	
Scale	As Shown	
Last Rev.		



Sheet